

Notice of Allowability

Application No.

10/518,263

Applicant(s)

OBERMANN, WOLFGANG
JOHANNES

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/10/07.
2. ☒ The allowed claim(s) is/are 1 and 3-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>01/28/07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 6 and 7 directed to inventions II-III non-elected without traverse. Accordingly, claims 6 and 7 been cancelled. It should be noted that claims 6 and 7 have been withdrawn from consideration in the Final Office Action mailed on 11/17/06 as being directed to non-elected inventions, since applicant has received an action on the merits for the originally presented invention I (claims 1, and 3-5). See Election by Original Presentation in the Final Office Action mailed on 11/17/06.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Steven R. Greenfield (Reg. No. 38,166) on 01/28/07.

The application has been amended as follows:

In the abstract, line 2, "A varier, comprised of an adjustable spring" has been changed to --A varier, which may have an adjustable spring--.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the adjustable section moves in a linear

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direction in response to contact with the hair to be cut and adjust the flow rate in the vicinity of the cutting device, as set forth in claim 1.

Regarding claim 1, Severson (1,506,139) or Ligon (3,331,130) teaches a hair-cutting apparatus including a cutting device for cutting hair and a suction device for drawing off cut pieces of hair. Severson or Ligon also teaches that the suction device is equipped with a suction channel and is bounded with channel walls, and at least one or more of the channel walls extending into the vicinity of the cutting device. Severson or Ligon also teaches a suction opening through which air can be drawn into the suction channel in one direction at a specific flow rate. Severson or Ligon also teaches that the suction device includes a varier means for varying the flow rate in the area of the suction opening. Severson or Ligon also teaches a spring that instructs with an adjustable section of the channel wall.

However, Severson and Ligon do not teach that the adjustable section moves in a linear direction in response to contact with the hair to be cut and adjust the flow rate in the vicinity of the cutting device, as set forth in claim 1.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to

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applicant's disclosure.

Romani (Des. 337,176), Schaedler (3,073,026), Allen (2,297,735), Blanchard (2,697,876), Sheley (2,748,472), Hixson et al. (3,440,681), Romani et al. (2003/0101591), and Romani (5,924,202) teach a hair clipper having a suction means.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

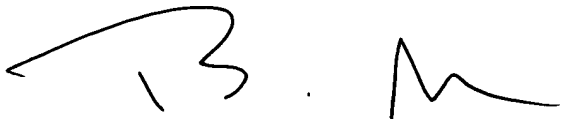
The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

January 26, 2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER